B104 (FORM 104) (08/07) EDVA

ADVERSARY PROCEEDING COVER SHEET (Instructions on Reverse)	ADVERSARY PROCEEDING NUMBER (Court Use Only)
PLAINTIFFS Leonard Edward Fields Carolyn Ann Fields	**DEFENDANTS** U.S. Bank National Association Ocwen Loan Servicing, LLC & C. Grice McMullan, Jr.
ATTORNEYS (Firm Name, Address, and Telephone No.) Gates Law P.O. Box 187 Chesterfield, VA 23832 - (804) 748-0382	**ATTORNEYS** (If Known) Robertson, Anschultz & Schneid, P.I. McCabe, Weisbert & Conway, LLC
PARTY (Check One Box Only) ☑ Debtor ☐ U.S. Trustee/Bankruptcy Admin ☐ Creditor ☐ Other ☐ Trustee	**PARTY** (Check One Box Only) ☐ Debtor ☐ U.S. Trustee/Bankruptcy Admin ☑ Creditor ☐ Other ☐ Trustee

CAUSE OF ACTION (WRITE A BRIEF STATEMENT OF CAUSE OF ACTION, INCLUDING ALL U.S. STATUTES INVOLVED)

Complaint to determine secured status and to strip lien effective upon discharge

NATURE OF SUIT

(Number up to five (5) boxes starting with lead cause of action as 1, first alternative cause as 2, second alternative cause as 3, etc.)

FRBP 7001(1) – Recovery of Money/Property
- ☐ 11-Recovery of money/property - §542 turnover of property
- ☐ 12-Recovery of money/property - §547 preference
- ☐ 13-Recovery of money/property - §548 fraudulent transfer
- ☐ 14-Recovery of money/property - other

FRBP 7001(2) – Validity, Priority or Extent of Lien
- ☑ 21-Validity, priority or extent of lien or other interest in property

FRBP 7001(3) – Approval of Sale of Property
- ☐ 31-Approval of sale of property of estate and of a co-owner - §363(h)

FRBP 7001(4) – Objection/Revocation of Discharge
- ☐ 41-Objection / revocation of discharge - §727(c),(d),(e)

FRBP 7001(5) – Revocation of Confirmation
- ☐ 51-Revocation of confirmation

FRBP 7001(6) – Dischargeability
- ☐ 66-Dischargeability - §523(a)(1),(14),(14A) priority tax claims
- ☐ 62-Dischargeability - §523(a)(2), false pretenses, false representation, actual fraud
- ☐ 67-Dischargeability - §523(a)(4), fraud as fiduciary, embezzlement, larceny

(continued next column)

FRBP 7001(6) – Dischargeability (continued)
- ☐ 61-Dischargeability - §523(a)(5), domestic support
- ☐ 68-Dischargeability - §523(a)(6), willful and malicious injury
- ☐ 63-Dischargeability - §523(a)(8), student loan
- ☐ 64-Dischargeability - §523(a)(15), divorce or separation obligation (other than domestic support)
- ☐ 65-Dischargeability - other

FRBP 7001(7) – Injunctive Relief
- ☐ 71-Injunctive relief – imposition of stay
- ☐ 72-Injunctive relief – other

FRBP 7001(8) Subordination of Claim or Interest
- ☐ 81-Subordination of claim or interest

FRBP 7001(9) Declaratory Judgment
- ☐ 91-Declaratory judgment

FRBP 7001(10) Determination of Removed Action
- ☐ 01-Determination of removed claim or cause

Other
- ☐ SS-SIPA Case – 15 U.S.C. §§78aaa *et.seq.*
- ☐ 02-Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case)

☐ Check if this case involves a substantive issue of state law	☐ Check if this is asserted to be a class action under FRCP 23
☐ Check if a jury trial is demanded in complaint	Demand $

Other Relief Sought
such other and further relief as the Court may deem appropriate

B104 (FORM 104) (08/07), Page 2

BANKRUPTCY CASE IN WHICH THIS ADVERSARY PROCEEDING ARISES		
NAME OF DEBTOR Leonard Edward Fields & Carolyn Ann Fields	BANKRUPTCY CASE NO. 16-31326-KLP	
DISTRICT IN WHICH CASE IS PENDING Eastern District of Virginia	DIVISION OFFICE Richmond	NAME OF JUDGE Keith L. Phillips
RELATED ADVERSARY PROCEEDING (IF ANY)		
PLAINTIFF	DEFENDANT	ADVERSARY PROCEEDING NO.
DISTRICT IN WHICH ADVERSARY IS PENDING	DIVISION OFFICE	NAME OF JUDGE
SIGNATURE OF ATTORNEY (OR PLAINTIFF) /s/ Timothy A. Hennigan		
DATE October 18, 2016	PRINT NAME OF ATTORNEY (OR PLAINTIFF) Timothy A. Hennigan	

INSTRUCTIONS

The filing of a bankruptcy case creates an "estate" under the jurisdiction of the bankruptcy court which consists of all of the property of the debtor, wherever that property is located. Because the bankruptcy estate is so extensive and the jurisdiction of the court so broad, there may be lawsuits over the property or property rights of the estate. There also may be lawsuits concerning the debtor's discharge. If such a lawsuit is filed in a bankruptcy court, it is called an adversary proceeding.

A party filing an adversary proceeding must also complete and file Form 104, the Adversary Proceeding Cover Sheet, *unless the party files the adversary proceeding electronically through the court's Case Management/Electronic Case Filing system (CM/ECF). (CM/ECF captures the information on Form 104 as part of the filing process.) When completed, the cover sheet summarizes basic information on the adversary proceeding. The clerk of court needs the information to process the adversary proceeding and prepare required statistical reports on court activity.

The cover sheet and the information contained on it do not replace or supplement the filing and service of pleadings or other papers as required by law, the Bankruptcy Rules, or the local rules of court. The cover sheet, which is largely self-explanatory, must be completed by the plaintiff's attorney (or by the plaintiff if the plaintiff is not represented by an attorney). A separate cover sheet must be submitted to the clerk for each complaint filed.

Plaintiffs and **Defendants.** Give the names of the plaintiffs and defendants exactly as they appear on the complaint.

Attorneys. Give the names and addresses of the attorneys, if known.

Party. Check the most appropriate box in the first column for the plaintiffs and the second column for the defendants.

Demand. Enter the dollar amount being demanded in the complaint.

Signature. This cover sheet must be signed by the attorney of record in the box on the second page of the form. If the plaintiff is represented by a law firm, a member of the firm must sign. If the plaintiff is pro se, that is, not represented by an attorney, the plaintiff must sign.

*Per LBR 7003-1, in the EDVA, a properly completed Adversary Proceeding Cover Sheet is required.

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

In re: LEONARD EDWARD FIELDS, **Case No. 16-31326-KLP**
CAROLYN ANN FIELDS, **Chapter 13**
Debtors,

2508 Royall Ave.
Richmond, VA 23224

Last 4 digits of SSN: 7365
Last 4 digits of SSN: 3822

****

LEONARD EDWARD FIELDS,
CAROLYN ANN FIELDS,
Plaintiffs,

v. **Adv. Pro. No.: __________**

U.S. BANK NATIONAL ASSOCIATION,
OCWEN LOAN SERVICING, LLC, Servicer
C. GRICE MCMULLAN, JR, Trustee

Defendants.

COMPLAINT TO DETERMINE SECURED STATUS OF U.S. BANK NATIONAL ASSOCIATION, AND TO STRIP LIEN EFFECTIVE UPON DISCHARGE

COME NOW, Leonard Edward Fields and Carolyn Ann Fields (the "Debtors") by and through their undersigned counsel, and file this Complaint to Determine Secured Status of U.S. Bank National Association, and to Strip Lien, pursuant to FRBP 7001(2), and in support thereof state as follows:

1. The Debtors filed a petition for relief under Chapter 13 of the Bankruptcy Code on March 18, 2016.

Timothy A. Hennigan, Esq. VSB# 80466
Richard O. Gates, Esq. VSB# 13857
P.O. Box 187
Chesterfield, VA 23832
(804) 748-0382 Telephone
(804) 748-6349 Facsimile

2. The Debtors own real property (the "Real Property") located at 2508 Royall Avenue, Richmond, VA (City of Richmond), and more particularly described in the Deed of Bargain and Sale attached hereto as Exhibit A.

3. The Real Property is encumbered by two deeds of trust:

(a) Rushmore Loan Management Services LLC as servicing agent for Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, as trustee for Normandy Mortgage Loan Tryst, Series 2016-1, account no. 7600032936, holds the first deed of trust recorded on April 24, 2006 as Instrument #06-12994 in the official records of Richmond City Circuit Court, and has filed a Proof of Claim (claim no. 8) in the amount of $96,392.16.

(b) U.S. Bank National Association, account no. 1481, holds the second deed of trust recorded on April 24, 2006, as Instrument #06-12995 in the official records of Richmond City Circuit Court. This second deed of trust is serviced by Ocwen Loan Servicing, LLC (creditor and servicer hereinafter referred to collectively as "Ocwen"). Ocwen has not filed a proof of claim in the instant bankruptcy; however the debtors have scheduled the balance at $19,955.04.

4. Based on the real estate tax bill attached hereto as Exhibit B, the value of the Real Property as of the petition date was $62,000.00.

5. Accordingly, Ocwen's deed of trust is completely unsecured.

WHEREFORE, the Debtors respectfully requests that the Court enter and order (a) granting the motion, (b) determining the value of the property to be $62,000.00, (c) determining that Ocwen's deed of trust is completely unsecured and shall therefore be treated as unsecured regardless of whether any claim has been filed or is later filed, (d)

Timothy A. Hennigan, Esq. VSB# 80466
Richard O. Gates, Esq. VSB# 13857
P.O. Box 187
Chesterfield, VA 23832
(804) 748-0382 Telephone
(804) 748-6349 Facsimile

voiding Ocwen's deed of trust effective upon discharge, (e) ordering Ocwen to file a lien release in the official records of the Richmond Circuit Court effective upon discharge, and (f) granting such other and further relief as the Court deems appropriate.

Respectfully submitted,

LEONARD EDWARD FIELDS
CAROLYN ANN FIEDLS

By: /s/ Timothy A. Hennnigan

Timothy A. Hennigan, Esq. VSB# 80466
Richard O. Gates, Esq. VSB# 13857
P.O. Box 187
Chesterfield, VA 23832
(804) 748-0382 Telephone
(804) 748-6349 Facsimile

Exhibit A

Mail to Grantee's Address

DEED OF BARGAIN AND SALE

1450 BOOK 0155 PAGE 0160

DATE OF DEED: January 22, 1988

GRANTOR(S): WYNDELL M. HOWARD and FRANCES M. HOWARD, his wife,

GRANTEE(S): WILLIAM E. FIELDS, LEONARD E. FIELDS and CAROLYN A. FIELDS, his wife,

GRANTEE'S ADDRESS: 2508 Royall Avenue, Richmond, VA 23224

For Ten Dollars ($10.00) and other valuable consideration, the receipt of which is hereby acknowledged, the Grantor(s) hereby grant and convey, subject to such matters as are set out herein with GENERAL WARRANTY AND ENGLISH COVENANTS Of TITLE, unto the Grantee(s) as follows: William E. Fields, a one-half undivided interest as his sole and separate equitable estate as set forth in Schedule "B" hereto attached and to Leonard E. Fields and Carolyn A. Fields, his wife, as tenants by the entirety with the right of survivorship as at common law, a one-half undivided interest, the real estate described in Schedule "A" hereto attached and made a part hereof.

This conveyance is made subject to such conditions, restrictions and easements of record as may legally affect the real estate hereby conveyed.

Words of any gender used in this instrument shall be held to include any other gender, and words in the singular shall be held to include the plural when the sense requires.

WITNESS the following signature(s) and seal(s).

Wyndell M. Howard (SEAL)
Wyndell M. Howard

Frances M. Howard (SEAL)
Frances M. Howard

Timothy A. Hennigan, Esq. VSB# 80466
Richard O. Gates, Esq. VSB# 13857
P.O. Box 187
Chesterfield, VA 23832
(804) 748-0382 Telephone
(804) 748-6349 Facsimile

BOOK 0155 PAGE 0161

STATE OF VIRGINIA

~~CITY~~/COUNTY OF RICHMOND , to-wit:

The foregoing instrument was acknowledged in my presence by Wyndell M. Howard and Frances M. Howard, his wife, on this the 25th day of January, 1988.

My commission expires: 12-09-88

Henrietta E. Butler
Notary Public

Grantee's Address:
2508 Royall Avenue
Richmond, VA 23224

Timothy A. Hennigan, Esq. VSB# 80466
Richard O. Gates, Esq. VSB# 13857
P.O. Box 187
Chesterfield, VA 23832
(804) 748-0382 Telephone
(804) 748-6349 Facsimile

BOOK 0155 PAGE 0162

SCHEDULE 'A'

ALL THAT CERTAIN LOT. PIECE OR PARCEL OF LAND WITH THE IMPROVEMENTS THEREON AND APPURTENANCES THERETO BELONGING. SITUATE. LYING AND BEING IN THE CITY OF RICHMOND, VIRGINIA DESIGNATED AND DESCRIBED AS LOT 9, SQUARE 2, MELROSE AS SHOWN ON PLAT OF SURVEY MADE BY ROBERT M. BLANKENSHIP, III C.L.S., DATED JULY 5. 1977 AND RECORDED JULY 14, 1977 A COPY OF WHICH PLAT IS ATTACHED TO AND RECORDED WITH THAT CERTAIN DEED RECORDED IN THE CLERK'S OFFICE OF THE CIRCUIT, CITY OF RICHMOND, VIRGINIA IN DEED BOOK 514 PAGES 358 THROUGH 361, TO WHICH REFERENCE IS MADE FOR A MORE PARTICULAR DESCRIPTION.

BEING THE SAME REAL ESTATE CONVEYED TO WYNDELL M. HOWARD AND FRANCES M. HOWARD, HIS WIFE BY DEED FROM JOSEPH V. THOMAS, JR. AND MYRNA S. THOMAS, HIS WIFE DATED JULY 7, 1977 AND RECORDED JULY 14. 1977 IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF CITY OF RICHMOND, VIRGINIA IN IN DEED BOOK 514 PAGE 358.

Timothy A. Hennigan, Esq. VSB# 80466
Richard O. Gates, Esq. VSB# 13857
P.O. Box 187
Chesterfield, VA 23832
(804) 748-0382 Telephone
(804) 748-6349 Facsimile

Attached to the Deed from
Wyndell M. & Frances M. Howard

BOOK 0155 PAGE 0163

Schedule "B"

Conveys a one half undivided interest to William E. Fields

The property hereinabove described is to be held and owned by the Grantee in his own right and as his sole separate equitable estate as if he were an unmarried man for his sole and separate use and benefit, free from the control and marital right of any present or any future wife, the right of dower of his present or any future wife in and to the aforesaid property being hereby expressly excluded, but with full and complete power to the said Grantee to sell, convey, devise by will, encumber by deed of trust or otherwise dispose of said property during Grantee's lifetime, without any instrument, disposing of said property or encumbering the same, requiring the uniting of any present or any future wife.

VIRGINIA:
IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE CITY OF RICHMOND

This deed was presented, and, with the Certificate annexed, admitted to record on JAN 28 1988 at 3:00 o'clock P .M.

The Tax imposed by Sec. 58.1-802 Code of Va. has been paid.

301 Clerk's Fee	$ 10.00
212 Transfer Fee	$ 1.00
039 State Tax	$ 70.50
214 City Tax	$ 23.50
220 City Grantors Tax	$ 23.50
038 State Grantors Tax	$ 23.50
TOTAL	$ 152.00

CS139047

Mail: Carolyn Fields

TESTE:

Iva R. Purdy

Iva R. Purdy, Clerk

Timothy A. Hennigan, Esq. VSB# 80466
Richard O. Gates, Esq. VSB# 13857
P.O. Box 187
Chesterfield, VA 23832
(804) 748-0382 Telephone
(804) 748-6349 Facsimile

Exhibit B

City Of Richmond
City Assessor's Office
900 East Broad Street, Room 802
Richmond, Virginia 23219

RETURN SERVICES REQUESTED

2016 NOTICE OF GENERAL REASSESSMENT

Notice Date: June 25, 2015

4415

THIS IS NOT A TAX BILL

FIELDS LEONARD E & CAROLYN A
2508 ROYALL AVE
RICHMOND VA 23224-7712

RICHMOND VIRGINIA

Code of Virginia § 58.1-3330 requires that a notice of reassessment be mailed to the property owner's last known address.

The City of Richmond reassesses all real estate each January 1 in compliance with VA Code § 58.1-3330 and City of Richmond Code § 98-39. Unless revised, the following Proposed Assessment will be certified on the 2016 land book.

Map Reference: S0071577009
Property Address: 2508 Royall Ave
Legal Description: MELROSE L9 B2
Council District: 806
Assessment Area: 358

2016 Proposed Assessment		2015 Prior-Year Assessment		2014 Prior-Year Assessment	
Land	$10,000	Land	$10,000	Land	$10,000
Building	$52,000	Building	$66,000	Building	$66,000
Total	$62,000	Total	$76,000	Total	$76,000

2016 Tax Rate: $1.20/ $100 **2015 Tax Rate:** $1.20/ $100 **2014 Tax Rate:** $1.20/ $100
2016 Annual Tax: $744 **2015 Annual Tax:** $912 **2014 Annual Tax:** $912
Annual % Change: -18.42% **2015 Annual % Change:** 0.00%

Note: The above tax amounts do not include Area Tax, Special District Tax, Rehab Credits or other fees.

The 2016 Proposed Assessment is subject to revision if an error is discovered or property characteristics change by December 31, 2015.

The 2016 Proposed Assessment will be certified to the Department of Finance for real estate billing after the owner has had an opportunity to file an **Application for Office Review**. Such application must be properly completed and filed with the City Assessor no later than **July 31, 2015**. The application form and filing instructions can be obtained at the City Assessor's Office during normal business hours (8:00 a.m. - 5:00 p.m.) Monday through Friday, or at **www.richmondgov.com/Assessor**. Supporting sales data and comparable property assessment information is available at this office or on the department's website.

If the above mailing address is incorrect, please notify the Office of City Assessor promptly.

2178200,20150605B0901,04415

Timothy A. Hennigan, Esq. VSB# 80466
Richard O. Gates, Esq. VSB# 13857
P.O. Box 187
Chesterfield, VA 23832
(804) 748-0382 Telephone
(804) 748-6349 Facsimile

CERTIFICATE OF SERVICE

I certify that on October 18, 2016, a copy of the foregoing Complaint with Exhibits and Adversary Proceeding Cover Sheet was mailed via first class mail, postage prepaid, to all necessary parties in interest as set forth on the attached mailing matrix.

/s/ Timothy A. Hennigan

U.S. Bank National Association
c/o Ocwen Loan Servicing, LLC
P.O. Box 24781
West Palm Beach, FL 33416-4781

U.S. Bank National Association
c/o Robertson, Anschultz & Schneid, P.I.
Bankruptcy Department
6409 Congress Ave., Suite 100
Boca Raton, FL 33487

Ocwen Loan Servicing, LLC as Servicer for
U.S. Bank National Association,
P.O. Box 24781
West Palm Beach, FL 33416-4781

Ocwen Loan Servicing, LLC as Servicer for
U.S. Bank National Association,
c/o McCabe, Weisbert & Conway, LLC
312 Marshall Ave., Suite 800
Laurel, MD 20707

C. Grice McMullan, Jr., as Trustee
100 Shockoe Slip
Richmond, VA 23219

Office of the U.S. Trustee
701 E. Broad Street, Suite 4304
Richmond, VA 23219

Suzanne E. Wade, Chapter 13 Trustee
P.O. Box 1780
Richmond, VA 23218

Timothy A. Hennigan, Esq. VSB# 80466
Richard O. Gates, Esq. VSB# 13857
P.O. Box 187
Chesterfield, VA 23832
(804) 748-0382 Telephone
(804) 748-6349 Facsimile